

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WESTERN STATES PAVING CO., INC.,

Plaintiff,

v.

THE WASHINGTON DEPARTMENT OF
TRANSPORTATION; DOUGLAS
MACDONALD, Secretary of the Washington
Department of Transportation; and the CITY
OF VANCOUVER, WASHINGTON;
CLARK COUNTY,

Defendants.

and

UNITED STATES OF AMERICA, UNITED
STATES DEPARTMENT OF
TRANSPORTATION, and FEDERAL
HIGHWAY ADMINISTRATION,

Intervenors.

Case No. C00-5204 RBL

ORDER GRANTING PARTIAL
SUMMARY JUDGMENT

Pursuant to the Mandate issued by the Ninth Circuit Court of Appeals and for the reasons cited in that Court's Opinion of May 9, 2005, this Court now **VACATES** its Order Granting Summary Judgment in favor of the Washington Department of Transportation, the City of Vancouver and Clark County and enters this Order Granting Partial Summary Judgment on the issue of liability in favor of plaintiff and against the Washington Department of Transportation, the City of Vancouver and Clark County. This Court's judgment in favor of the Intervenors, United States of America, United States Department of

1 Transportation, and the Federal Highway Administration is not affected by this Order.

2 The Clerk of the Court is directed to issue a new Scheduling Order to the remaining parties.

3 Dated this 12th day of September, 2005.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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